

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Alexander C. Beaver,

Case No. 21-cv-55 (SRN/DTS)

Plaintiff,

REPORT & RECOMMENDATION

v.

Resource Management Group, Inc. et al.,

Defendants.

Plaintiff Alexander Beaver brought this action in January 2021 but has taken no action since then. Nor has Resource Management Group answered the complaint. In July, this Court ordered Beaver to either confer with defense counsel, move for default judgment, or risk dismissal for failure to prosecute. Order, Dkt. No. 6. Beaver chose to take no action. His failure to comply with this Court's July order suggests that he has abandoned his suit. He has failed to prosecute his claims.

A court may involuntarily dismiss a lawsuit if the plaintiff fails to prosecute the case or disregards a court order. Fed. R. Civ. P. 41(b). Beaver falls within both criteria for involuntary dismissal. If a court involuntarily dismisses an action under Rule 41(b), that dismissal is presumed to be with prejudice. *Applied Underwriters, Inc. v. Lichtenegger*, 913 F.3d 884, 890 (9th Cir. 2019); *Hill v. United States*, 762 F.3d 589, 591 (7th Cir. 2014).

This Court **RECOMMENDS** that this action be **DISMISSED WITHOUT PREJUDICE**.

Dated: August 24, 2021

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge